

FORM PTO-1390
(REV 11-98)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

14-020210US

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

09/601997

INTERNATIONAL APPLICATION NO.
PCT/US98/27942INTERNATIONAL FILING DATE
18 December 1998 (18.12.98)PRIORITY DATE CLAIMED
19 December 1997 (19.12.97)

TITLE OF INVENTION NON-BACTERIAL CLONING IN DELIVERY AND EXPRESSION OF NUCLEIC ACIDS

APPLICANT(S) FOR DO/EO/US James G. Keck, et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☒ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 2 assignment documents with cover sheets are included for recordation.
13. ☐ A FIRST preliminary amendment.
- ☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information:
 - 1) Petition for Revival of an International Application, including Statement
 - 2) International Preliminary Examination Report
 - 3) International Written Opinion
 - 4) Response to the Written Opinion filed March 8, 2000 (Please note the amendments requested in this response were not entered or considered in the International Preliminary Examination report)
 - 5) Powers of Attorney executed for the International Application
 - 6) Verified Statement of Small Entity Status
 - 7) Certificate of Mailing and Receipt Acknowledgement Postcard

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 09/601997		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER 14-020210US	
17. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) : Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$970.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$840.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$760.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$670.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) \$96.00 ENTER APPROPRIATE BASIC FEE AMOUNT =				CALCULATIONS PTO USE ONLY	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	61 - 20 =	41	X \$18.00	\$ 738	
Independent claims	10 - 3 =	7	X \$78.00	\$ 546	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$260.00	\$ 260	
TOTAL OF ABOVE CALCULATIONS =				\$ 2384	
Reduction of 1/2 for filing by small entity, if applicable. A Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).				\$ 1192	
SUBTOTAL =				\$ 1192	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
TOTAL NATIONAL FEE =				\$ 1192	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$ 80	
TOTAL FEES ENCLOSED =				\$ 1272	
				Amount to be:	\$
				refunded	
				charged	\$ 1272
a. <input type="checkbox"/> A check in the amount of \$_____ to cover the above fees is enclosed. b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>50-0893</u> in the amount of \$ <u>1272</u> to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>50-0893</u> . A duplicate copy of this sheet is enclosed.					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO: Jonathan Alan Quine LAW OFFICES OF JONATHAN ALAN QUINE P.O. BOX 458 Alameda, CA 94501 United States of America					
Signature: <u>Jonathan Alan Quine</u> NAME: <u>Jonathan Alan Quine</u> REGISTRATION NUMBER: <u>41,261</u>					

Certificate of Mailing

09/601997

Attorney Docket No. 14-020210USExpress Mail" Label No. EL716083086USDate of Deposit: August 8, 2000

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above, addressed to: Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231

By: Andrew Merit
Andrew Merit

The following documents are enclosed herewith:

- 1) Petition for Revival of an International Application, including Statement, fee sheet
- 2) International Preliminary Examination Report
- 3) International Written Opinion
- 4) Response to the Written Opinion filed March 8, 2000
- 5) Powers of Attorney executed for the International Application
- 6) Verified Statement of Small Entity Status
- 7) Receipt Acknowledgement Postcard
- 8) Declaration
- 9) 2 Assignment documents w/cover sheets for Recordation
- 10) Form 1390 Transmittal document